

**MAUNE.RAICHLE.HARTLEY.FRENCH & MUDD, LLC**

David L. Amell, Esq. (State Bar No. 227207)

Rabiah N. Oral, Esq. (State Bar No. 319905)

1900 Powell Street, Suite 200

Emeryville, California 94608

Telephone: (800) 358-5922

Facsimile: (314) 241-4838

damell@mrhfmlaw.com

roral@mrhfmlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.  
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,  
*et al.*,

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:  
22CV021840]

**PROVISIONAL STIPULATION OF  
DISMISSAL WITH PREJUDICE:  
EATON CORPORATION, AS  
SUCCESSOR-IN-INTEREST TO  
CUTLER-HAMMAR, INC.; ORDER**

Courtroom: 02, 4<sup>th</sup> Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: September 9, 2024.

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section  
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and  
4 EATON CORPORATION, AS SUCCESSOR-IN-INTEREST TO CUTLER-HAMMAR, INC.  
5 (“Defendant”) hereby stipulate as follows:

6 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss  
7 of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda  
8 Case No. 22CV021840.

9 2. On December 21, 2022, the above action was removed to the United States District  
10 Court, Northern District of California, Case No. 4:22-09058.

11 3. On September 4, 2024, Plaintiffs and Defendant reached an agreement of all claims in  
12 this action.

13 4. The terms of settlement are not yet perfected, but Plaintiffs and Defendant agree that  
14 this matter should not be litigated due to the agreed-upon resolution.

15 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the  
16 following:

17 This Court should conditionally dismiss this Action in its entirety against EATON  
18 CORPORATION, AS SUCCESSOR-IN-INTEREST TO CUTLER-HAMMAR, INC., only,  
19 with prejudice. As the terms of settlement are not yet perfected, this Court will retain  
20 jurisdiction over the matter for ninety (90) days.

21 DATED: September 10, 2024

Maune Raichle Hartley French & Mudd LLC

22 By:   
23 \_\_\_\_\_

Rabiah N. Oral  
Attorney for Plaintiffs

1 DATED: September 10, 2024

Hugo Parker, LLP

2 By: /s/ Bina Ghanaat

3 Bina Ghanaat

4 Robert J. Bugatto

Edward R. Hugo

Attorneys for EATON CORPORATION,

AS SUCCESSOR-IN-INTEREST TO

CUTLER-HAMMAR, INC.

6 **LOCAL RULE 5-1(i)(3) SERVICE AND FILING OF PLEADINGS AND OTHER**  
7 **PAPERS**

8 In accordance with L.R5-1(i)(3), I, Rabiah N. Oral, attest that all signatories identified  
9 above, and on whose behalf the filing is submitted, concur in the filing's content and have  
10 authorized the filing.

11 DATED: September 10, 2024

By: 

Rabiah N. Oral, Esq.

Attorney for Plaintiffs


**ORDER**

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that EATON CORPORATION, AS SUCCESSOR-IN-INTEREST TO CUTLER-HAMMAR, INC., only, is conditionally dismissed with prejudice from this Action in its entirety. Perfection of the terms of the settlement is to be completed within 90 days of this signed Order. The Court shall retain jurisdiction for 90 days from the date of this signed Order.

IT IS SO ORDERED.

DATED: 9/11/2024

  
Hon. Haywood S. Gilliam, Jr.  
UNITED STATES DISTRICT COURT JUDGE